

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>STEVEN SMITH,</b>	:	<b>CIVIL ACTION NO. 1:05-CV-1729</b>
	:	
<b>Plaintiff</b>	:	<b>(Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>THE MUNICIPALITY OF LYCOMING COUNTY, et al.,</b>	:	
	:	
<b>Defendants</b>	:	

**ORDER**

AND NOW, this 15th day of November, 2005, upon consideration of plaintiff's motion for appointment of counsel (Doc. 38), and it appearing from the complaint and other documents filed by plaintiff (Docs. 1, 25, 28, 30, 35, 37 and 39) that plaintiff is capable of properly and forcefully prosecuting his claims with adequate factual investigation and appropriate citations to governing authority and that resolution of the facial merit of plaintiff's claims neither implicates complex legal or factual issues nor requires factual investigation or the testimony of expert witnesses, see Tabron v. Grace, 6 F.3d 147, 155-57 (3d Cir. 1993) (listing factors relevant to request for counsel), it is hereby ORDERED that the motion (Doc. 38) is DENIED. See Parham v. Johnson, 126 F.3d 454, 456-57 (3d Cir. 1997)(holding prisoners have no

constitutional or statutory rights to appointment of counsel in a civil case). If further proceedings demonstrate the need for counsel, the matter will be reconsidered either *sua sponte* or upon motion of petitioner. See id.

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge